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5 Attorney for Defendant FUECHTENER

6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

7 * * *

8
9 UNITED STATES OF AMERICA,) 2:16-cr-100-GMN-CWH
10)
11 Plaintiff,)
12)
13 v.)
14 JAN ROUVEN FUECHTNER,)
15 Defendant.)
16 _____)

17 **STIPULATION AND ORDER TO CONTINUE CALENDAR CALL AND TRIAL DATE**

18 IT IS HEREBY STIPULATED AND AGREED by and between JESS R. MARCHESE,
19 ESQ., and MICHAEL SANFT, ESQ., Counsel for Defendant JAN ROUVEN FEUCHTNER
20 and CRISTINA SILVA and ELHAM ROOHANI, Assistant United States Attorneys, that the
21 calendar call currently scheduled for July 18, 2016 at 9:00a.m., and the trial currently scheduled
22 for July 25, 2016 be vacated and reset to an August 11, 2016 calendar call and an August 22,
23 2016 trial date.

24 This Stipulation is entered into for the following reasons:

25 1. Counsel for the defendant has spoken to his in-custody client and he has no objection
26 to the request for continuance.

27 2. Counsel for the defendant has spoken to counsel for the United States and they have
28 no objection to the continuance.

3. Counsel for the defense is waiting on a discovery request that they made. It is anticipated that this request will be fulfilled very soon.
4. The additional time requested by this stipulation is excludable in computing the time within which trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(1)(D) and Title 18, United States Code Section 3161 (h)(7)(A) considering the factors in Title 18, United States Code, Sections 3161 (h)(7)(B)(I) and 3161 (h)(7)(B)(iv).
5. That a denial of this request would result in a miscarriage of justice.
6. For all the above-stated reasons, the ends of justice would best be served by a continuance of the Calendar Call and Trial Date and reset to the aforementioned dates and times listed herein.

This is the third request for continuance filed herein.

DATED: July 14, 2016

/S/
JESS R MARCHESE, ESQ.
601 S. LAS VEGAS BLVD.
LAS VEGAS, NEVADA 89101
ATTORNEY FOR THE DEFENDANT

/S/
CRISTINA SILVA, ESQ.
ASSISTANT UNITED STATES ATTORNEY
501 LAS VEGAS BOULEVARD SOUTH. #1100
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6 **UNITED STATES DISTRICT COURT**
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9 UNITED STATES OF AMERICA,) 2:16-cr-100-GMN-CWH
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13 v.)
14 JAN ROUVEN FUECHTENER,)
15 Defendant.)
16 _____

17 **FINDINGS OF FACT**

18 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
19 court finds:

20 This Stipulation is entered into for the following reasons:

21 1. Counsel for defendant has spoken to his in-custody client and he has no objection to
22 the request for continuance.

23 2. Counsel for the defendant has spoken to counsel for the United States and they have
24 no objection to the continuance.

25 3. Counsel for the defense is waiting on a discovery request that they made. It is
26 anticipated that this request will be fulfilled very soon.

4. The additional time requested by this stipulation is excludable in computing the time within which trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(1)(D) and Title 18, United States Code Section 3161 (h)(7)(A) considering the factors in Title 18, United States Code, Sections 3161 (h)(7)(B)(I) and 3161 (h)(7)(B)(iv).

5. That a denial of this request would result in a miscarriage of justice.

6. This is the third request filed herein.

7. For all the above-stated reasons, the ends of justice would best be served by a

continuance of the Calendar Call to August 11, 2016 and Trial Date to August 22, 2016.

CONCLUSIONS OF LAW

Denial of this request for continuance would deny the parties herein the opportunity to effectively and thoroughly prepare for trial.

Additionally, denial of this request for continuance could result in a miscarriage of justice.

ORDER

IT IS HEREBY ORDERED that the calendar call currently scheduled for July 18, 2016, at 9:00 a.m., be continued to the 11th day of August, 2016 at 11:00am, in courtroom 7d and the trial currently scheduled for July 25, 2016, at 9:00 a.m., be continued to the 22nd day of August, 2016 at 8:30am, in courtroom 7d.

DATED this 17th day of July, 2016.

IT IS FURTHER ORDERED that the parties shall have until August 4, 2016 to file proposed voir dire, proposed jury instructions, trial briefs, exhibit and witness lists. U

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U.S. DISTRICT JUDGE